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COMPANY

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JONATHAN SANTIAGO, individually,
and on behalf of other members of the
general public similarly situated;

Plaintiff,

v.

CIGNA HEALTH & LIFE INSURANCE
COMPANY, an unknown business entity;
and DOES 1 through 100, inclusive,

Defendant.

Case No. 1:20-cv-01413-NONE-SKO

**JOINT STIPULATION AND ORDER FOR
EXTENSION OF TEMPORARY STAY OF
ACTION**

(Doc. 17)

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TO THE HONORABLE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

It is hereby stipulated by and between the Plaintiff JONATHAN SANTIAGO (“Plaintiff”) and Defendant CIGNA HEALTH AND LIFE INSURANCE COMPANY (“Defendant”) (collectively, Plaintiff and Defendant are referred to as the “Parties”) and through their respective attorneys of record, as follows:

RECITALS OF JOINT STIPULATION EXTENDING TEMPORARY STAY

WHEREAS, on August 19, 2020, Plaintiff filed his Class Action Complaint against Defendant with the Superior Court of the State of California, County of Tulare, Case No. 284004;

WHEREAS, on October 2, 2020, Defendant filed its Notice of Removal of Civil Action to Federal Court on the ground of original jurisdiction based on the Class Action Fairness Act (“CAFA”);

WHEREAS, on October 23, 2020, Defendant filed its Motion to Compel Arbitration, Strike the Class Claims, and Stay Action;

WHEREAS, Defendant’s Motion to Compel Arbitration is fully briefed but the Court has not yet ruled on Defendant’s Motion to Compel Arbitration;

WHEREAS, on October 30, 2020, Plaintiff filed his Motion to Remand based on Plaintiff’s allegations that Defendant has failed to prove by a preponderance of the evidence that the amount in controversy meets the CAFA threshold;

WHEREAS, Plaintiff’s Motion to Remand is fully briefed but the Court has yet not ruled on Plaintiff’s Motion to Remand;

WHEREAS, the on December 9, 2021, the Court granted the Parties Joint Stipulation temporarily staying this Action, and stayed this Action until at least February 16, 2021, and further ordered that:

- No order shall issue regarding Defendant's Motion to Compel Arbitration, Strike the Class Allegations, and Stay Action (Doc. [6]) until at least February 16, 2021;
- No order shall issue regarding Plaintiff's Motion to Remand (Doc. [7]) until at least February 16, 2021;

- The Parties shall serve their Initial Disclosures by February 18, 2021; and
- the Initial Scheduling Conference currently set for 12/17/2020 is continued to 3/2/2021 at 09:30 AM in Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto.

WHEREAS, the Parties mediated this matter on January 14, 2021;

WHEREAS, the Parties were unable to resolve this Action on January 14, 2021, but are continuing to engage in settlement discussions;

WHEREAS, in order to prevent the Parties from incurring further, potentially unnecessary litigation expenses which could jeopardize settlement prospects, the Parties agree that the interests of judicial economy and the interests of preserving judicial and party resources favor extending the temporary stay of the Action, including the ruling of Defendant's Motion to Compel Arbitration, Plaintiff's Motion to Remand, pending discovery, and the deadlines associated with the Initial Scheduling Conference, until March 2, 2021 while the Parties continue their settlement efforts;

WHEREAS, no party to this Action will be prejudiced by extending temporary stay;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the Parties, by and through their Counsel of record, as follows:

1. The Parties agree that the entire Action is stayed through March 2, 2021;
2. The Parties agree that all pending discovery is stayed through at least March 2, 2021;
3. The Parties agree that no Order shall issue regarding Defendant's Motion to Compel Arbitration and Stay Action until at least March 2, 2021;
4. The Parties agreed that no Order shall issue regarding Plaintiff's Motion to Remand until at least March 2, 2021;
5. The Parties agree to continue the Initial Scheduling Conference, March 11, 2021 and to extend the time to file the Joint Rule 26(f) Report to March 4, 2021, or to a date thereafter that is most convenient for this Court; and

1 6. The Parties agree to serve their Initial Disclosures by March 12, 2021.

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3 Dated: February 2, 2021

LITTLER MENDELSON, P.C.

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By: /s/ Carlos Jimenez

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CARLOS JIMENEZ

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LINDA BOLLINGER

CARTER NORFLEET

Attorneys for Defendant

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CIGNA HEALTH & LIFE INSURANCE
COMPANY

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Dated: February 2, 2021

PROTECTION LAW GROUP, LLP

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By: /s/ Heather Davis

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Heather Davis

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Amir Nayebdadash

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Attorneys for Plaintiff

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ORDER

Having reviewed the Parties' above stipulation, and for good cause shown, the Court GRANTS the Parties' request and hereby ORDERS as follows:

1. The case is stayed through March 2, 2021;
2. All pending discovery is stayed through at least March 2, 2021;
3. No order shall issue regarding Defendant's Motion to Compel Arbitration, Strike the Class Allegations, and Stay Action (Doc. 6) until at least March 2, 2021;
4. No order shall issue regarding Plaintiff's Motion to Remand (Doc. 7) until at least March 2, 2021;
5. The Parties shall serve their Initial Disclosures by March 12, 2021; and
6. The Initial Scheduling Conference currently set for March 2, 2021, is continued to April 27, 2021, at 9:45 A.M., before Magistrate Judge Sheila K. Oberto. The parties shall file their joint scheduling report no later than seven (7) days before the conference.

IT IS SO ORDERED.

Dated: **February 3, 2021**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE